

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Commercial Taxes Department – Allegation of collusion with retail dealers of Cement at Kodad, Nalgonda District– Explanations called for from certain Officials of Commercial Taxes Department - Explanations submitted - Enquiry Officer appointed – Enquiry Report Submitted – Allegations not held proved - Further action – Dropped – Orders – Issued.

REVENUE (VIG.I) DEPARTMENT

G.O. (Rt.) No. 1461.

Dt.12.10.2010.

Read the following:-

- 1) U.O. Note No.924/V&E/R1/2000-1, dt.20.10.2000.
- 2) Memo No.28994/CT.I(2)/2000, dt.06.01.2001.
- 3) CCT's Ref. No.DZ(4)/66/2001, dt.03.09.2003.
- 4) Memo No.28994/Vig.(1)/2000-7, dt.30.03.2009.
- 5) CCT's Lr. Ref. No.V1/11677/2007, dt.26.03.2010.

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ORDER:

It was brought to the notice of the Government that the following officials of Commercial Taxes Department have colluded with the Management of M/s. Viswam Cement Ltd., Mallachuru, Nalgonda District and issued Registration Certificate to certain relatives and employees of Management of M/s. Viswam Cement Limited, to help facilitate transportation of Cement manufactured by M/s. Viswam Cement Limited as the company fell in huge arrears of sales tax and could not obtain way bills from the Commercial Taxes Department:-

- (1) Sri S. Kishan, the then Deputy Commercial Tax Officer, Kodad
(now Commercial Tax Officer),
- (2) Sri Simon Reddy, Senior Assistant,
- (3) Sri B. Vidyasagar, Senior Assistant,
- (4) Sri Akbar, Senior Assistant; and
- (5) Sri Praveen Kumar, Junior Assistant.

2) In the reference first read above, the General Administration (Vigilance & Enforcement) Department while submitting its report on the allegations against the Commercial Taxes Department Officials has requested the Government to take action against the officials involved in the issue and furnish action taken reports.

3) And whereas in the reference second read above, while furnishing the Report of the General Administration (Vigilance & Enforcement) Department, the Commissioner of Commercial Taxes was requested to initiate action against the officials who were involved in this case and furnish a detailed report.

4) And whereas in the reference third read above, the Commissioner of Commercial Taxes has furnished the Enquiry Report after conducting the enquiry on the allegations made against the Commercial Taxes Department Officials. The Enquiry Officer in his report, dt.18.04.2000, has stated that the petition is a pseudonymous petition made to mislead the Department and found that **"the waybills issued to the dealers were used in course of their own business, the turnovers of which were accounted for and hence, the main allegation over misuse of waybills does not stand its ground. The concerned officers S/Sri S. Kishan, Deputy Commercial Tax Officer, Kodada, Simon Reddy, Senior Assistant, B. Vidyasagar, Senior Assistant, Akbar, Senior Assistant and Praveen Kumar, Junior**

P.T.O.

Assistant have not violated any provisions of the APGST Act or the specific Rule 45(4) while issuing the waybills. Thus, there is no illegality in the issue of waybills. The allegation against Sri S. Kishan, Deputy Commercial Tax Officer, Kodada that he colluded with the dealers in issuing fake registration certificates is found to be baseless as the dealers were found to be physical and independent entities. Thus, the petition as a whole has been found to be incoherent.”

5) And whereas in the reference fourth read above, the Commissioner of Commercial Taxes was requested to furnish the factual report on the allegation Nos.1, 4, 5, 6, 7 & 8 made by certain traders.

6) And whereas in the reference fifth read above, the Commissioner of Commercial Taxes has stated that S/Sri S. Kishan, Deputy Commercial Tax Officer, Kodada, Simon Reddy, Senior Assistant, B. Vidyasagar Sagar, Senior Assistant, Sri Akbar, Senior Assistant and Praveen Kumar, Junior Assistant have not violated any provisions of the APGST Act or the specific Rule 45(4) while issuing the waybills.

7) Government after careful examination of the matter in detail, decide to drop further action against S/Sri S. Kishan, Deputy Commercial Tax Officer, Kodada, Simon Reddy, Senior Assistant, B. Vidyasagar Sagar, Senior Assistant, Praveen Kumar, Junior Assistant, Akbar, Senior Assistant and accordingly further action in the disciplinary case is dropped against them.

8) The Commissioner of Commercial Taxes shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The individuals concerned
through the Commissioner of Commercial Taxes, A.P., Hyderabad.
The Commissioner of Commercial Taxes, A.P., Hyderabad.
Copy to:-
The Director General, General Administration (V&E) Department,
9th Floor, B.R.K.R. Bhavan, Hyderabad.
The Secretary, A.P. Vigilance Commission, Secretariat, Hyderabad.
File/SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER